

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 15, 2008

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-79 – Allows short-term vacation rentals in certain residential districts as a conditional use. Sponsored by: Councilman Steve Wolfson

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The Council recently adopted Ordinance No. 5943 to specifically prohibit short-term vacation rentals in the City. Based on concerns expressed by owners and representatives of such rentals, this bill is being brought forward to allow the use in certain residential districts as a conditional use, with a specification of the conditions under which the use will be allowed.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2007-79
2. Submitted after final agenda - Protest letters

Motion made by STEVE WOLFSON to Approve as Do Pass with First Amendment, suspending enforcement of Ordinance No. 5943 until 3/5/2008

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, STEVE WOLFSON; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CITY ATTORNEY BRAD JERBIC summarized Ordinance No. 5943, which was adopted November 2007 to address short-term vacation rentals in certain residential districts.

Subsequently, this bill was proposed with a focus on the types of rentals the City would allow, permit requirements, conditions, permit revocations and violations.

RECOMMENDING COMMITTEE MEETING OF: JANUARY 15, 2008

However, since then, there has been interest expressed by the Council and the industry to further refine the language and reach a compromise that would make exception to the prohibition. In order to work on a potential compromise, the City Attorney's Office recommends a First Amendment to this bill that would suspend enforcement of Ordinance No. 5943, making it as if it were never adopted. City Attorney staff would then commence holding meetings to negotiate a bill to prohibit abusive short-term rentals, yet satisfy the goals of the industry to permit them under reasonable circumstances. The intended timeline is to introduce the compromise bill at the 2/20/2008 Council meeting and fast track it for adoption at the 3/5/2008 Council meeting.

CITY ATTORNEY JERBIC advised that, should a compromise not be reached by 2/20/2008, Ordinance No. 5943 would come back into enforcement on 3/5/2008, and a new bill would have to be reintroduced in order to allow a permit process.

COUNCILWOMAN TARKANIAN explained that it took approximately two and a half years of hard work to arrive at the Ordinance No. 5943. Through her research, she learned more about the businesses that were operating short-term rentals legitimately, but was very concerned about enforcement of the businesses that were illegal.

COUNCILMAN WOLFSON believed that all efforts were moving towards a final law that will provide safeguards to prohibit inappropriate conduct, while promoting positive refinement beneficial to the industry. He commented that he recommended the suspension of Ordinance No. 5943 and the drafting of a new bill, because he felt that input from the industry was necessary, as well as that of the Business Services Division staff, who would be responsible for enforcement.

CITY ATTORNEY JERBIC was directed to proceed with the appropriate actions to expedite the suspension of Ordinance No. 5943 and the institution and fast tracking of the new bill.

CHERYL TARANTINO, 367 Ravensmere Drive, appeared on behalf of the industry. When she learned of the proposed legislation she met with CITY ATTORNEY JERBIC and COUNCILMAN WOLFSON to discuss the positive aspects of the industry. She was asked to provide input and as a result the current ordinance was proposed. She expressed her frustration, and that of other members of the industry, when they realized that the intent of the original legislation would be detrimental to their livelihood. She agreed that the illegal uses should be prohibited but wanted assurance that those in the industry who provide legitimate services would be given every opportunity to voice their concerns.

COUNCILMAN WOLFSON reiterated that the delay in proceeding with the bill was the result of one major component - interaction with the Business Services Division. He stated that COUNCILWOMAN TARKANIAN and he share the same goal of creating a valid bill.

MS. TARANTINO stated that many of the laws are outdated. She appreciated the idea of the compromise and felt assured that a commitment was being made.

COUNCILWOMAN TARKANIAN thanked MS. TARANTINO for her persistence and commented that individuals who stand up for what they believe make a difference.

RECOMMENDING COMMITTEE MEETING OF: JANUARY 15, 2008

COUNCILWOMAN TARKANIAN agreed that everyone would be welcome to attend future meetings. CITY ATTORNEY JERBIC replied that his office would notify everyone referred, whether it be through the Councilmembers, industry, private sector or property owners. Interested parties will be asked to respond via e-mail with the name(s) of any additional person(s) who should be invited to attend.

COUNCILMAN WOLFSON informed that a formal vote will be taken at the City Council meeting to introduce a bill suspending Ordinance No. 5943 until 3/5/2008, with the understanding that a new bill would be introduced.

MICHELLE PUMBO, Southwest Vacation Rentals, 2920 South Rainbow Boulevard, expressed support of the permit process if that meant prohibiting party houses. Responding to a remark regarding Health Department inspection, JIM DIFIORE, Manager of Business Services, clarified that State law requires an establishment to obtain a health permit if large volume food service is provided.

BONNIE McDANIEL, 6537 Casada Way, business owner, stated that as a result of the adoption of Ordinance No. 5943, her company suffered several major financial setbacks. She remarked that, as a member of the industry since 1967, she was totally unaware that regulation exists prohibiting short-term rentals.

